

SENATE BILL NO. 34

INTRODUCED BY D. LEWIS

BY REQUEST OF THE FIRE SUPPRESSION COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING THE NATURAL ACCUMULATION OF FUEL FOR FIRE THAT POSES A THREAT TO PUBLIC HEALTH OR SAFETY IN THE DEFINITION OF "COMMUNITY DECAY"; EXTENDING THE AUTHORITY OF A COUNTY TO ENFORCE A COMMUNITY DECAY ORDINANCE; AMENDING SECTIONS 7-5-2110 AND 7-5-2111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-5-2110, MCA, is amended to read:

"7-5-2110. Community decay defined. (1) In 7-5-2111, "community decay" means a public nuisance created by:

(a) allowing rubble, debris, junk, or refuse to accumulate resulting in conditions that are injurious to health, indecent, offensive to the senses, or obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property; or

(b) the natural accumulation of fuel, INCLUDING NOXIOUS WEEDS, for fire that poses a threat to public health or safety.

(2) "Community decay" as used in 7-5-2111 may not be construed or defined to apply to:

(a) normal farming, ranching, or other agricultural operations or to a farm, ranch, or other agricultural facility, and any appurtenances ~~thereof~~ of the farm, ranch, or agricultural facility; during the course of its normal operations; or

(b) normal activities at a shooting range."

Section 2. Section 7-5-2111, MCA, is amended to read:

"7-5-2111. Control of community decay. (1) The governing body of a county may ~~regulate, control,~~ and prohibit conditions that contribute to community decay on or adjacent to any public roadway within the county by adoption of an ordinance that substantially complies with the provisions of 7-5-103 through 7-5-107, regulate, control, and prohibit conditions that contribute to community decay:

(a) as defined in 7-5-2110(1)(a), on or adjacent to any public roadway within the county;

(b) as defined in 7-5-2110(1)(b), within the county.

(2) An ordinance adopted under subsection (1) may include time limits for removal or shielding of ~~such~~ the conditions as considered appropriate by the governing body.

(3) Nothing in this section restricts the governing body from enacting community decay controls affecting only portions of the county.

(4) Nothing in this section or 7-5-2110 may be construed to abrogate or affect the provisions of any lawful ordinance, regulation, or resolution that is more restrictive than the provisions of ~~this section or 7-5-2110~~ or this section.

(5) For the purposes of enforcing an ordinance adopted under subsection (1), the county governing body may provide that, after giving due notice, in writing, of violation and upon the failure of the property owner to comply with the ordinance, officers and employees of the county may enter upon the property for the specific purpose of abating the violation of the ordinance and may assess the property owner for the actual costs for the abatement. Nonpayment of ~~such~~ an assessment becomes a lien upon the property and is enforceable in the same manner as the nonpayment of property taxes is enforced."

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

- END -